



Docket No. 5677-142

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TRICIA D. AGOSTINO
Tricia D. Agostino
Clifford Chance Rogers & Wells LLP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Leo J. Romanczyk, Jr. et al.

Filed: November 21, 2000 Group Art Unit: To be Assigned (Formerly 1711)

Serial No: 09/717,445 Examiner: To be Assigned (Formerly N. Nutter)

For: FOOD CONTAINING A COCOA POLYPHENOL ADDITIVE

Commissioner for Patents
Washington, D.C. 20231

SUPPLEMENTAL PRELIMINARY AMENDMENT

Sir:

It has come to our attention that pages 47-54 are missing from the application as filed. Since the missing disclosure is unrelated to the subject matter claimed, we are not going to file a Petition to supply the omitted pages and accept as the filing date the date the omitted pages are filed in the Patent Office.

Please note that the food claims added by the Preliminary Amendment mailed November 21, 2000 do not rely on the missing pages for support. They rely on the following pages, all of which are in the specification that was provided:

page 3, line 35 to page 4, line 12

page 14, lines 17-20

Example 2 (pages 16 and 17)

Example 3 (pages 17 to 21)

page 16, lines 17-20 and 25-26

page 41, lines 17-22

Table 3 (page 20)

Figures 2A and 2B

Figures 11A to 11H

Figures 12A to 12H

Figures 13A to 13H

Figures 15L

The missing pages are unrelated to the claimed subject matter. Page 47 merely summarizes the preferred embodiments and points out that the invention is defined by the amended claims. Pages 48-52 merely list a number of references. Pages 53-54 are claims directed to a cocoa extract (Claims 1-5), an antineoplastic composition (Claims 6-11), and a method of treating a patient with an antineoplastic agent (Claims 12-14). Copies of the missing pages are attached as Exhibit I.

Please amend the application by deleting pages 55 and 56 (the original claims) and renumber page 57 (the abstract) as page 47. No amendment of page 46 is necessary since it ends in a complete sentence.

Entry of this amendment is respectfully requested. No new matter is presented.

Respectfully submitted,

Date:

January 17, 2001

Margaret B. Kelley
Margaret B. Kelley
Reg. No. 29,181

Clifford Chance Rogers & Wells LLP
200 Park Avenue
New York, NY 10166-0153
Telephone: (212) 878-3145